

1
2
3
4
5
6
7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**
9

10 STEVEN VOILES,

11 Plaintiff,

12
13 vs.

14
15
16 JAMES A. REAVIS; IAN ST. JOHN;
17 and SAN DIEGO COUNTY
18 PROBATION DEPARTMENT,

19 Defendants.
20

CASE NO. 11-CV-1166 JLS (BGS)

**ORDER: (1) ADOPTING
REPORT AND
RECOMMENDATION; (2)
GRANTING DEFENDANTS SAN
DIEGO COUNTY PROBATION
DEPARTMENT AND IAN ST.
JOHN'S MOTION TO DISMISS;
AND (3) GRANTING IN PART
AND DENYING IN PART
DEFENDANTS SAN DIEGO
COUNTY PROBATION
DEPARTMENT AND IAN ST.
JOHN'S MOTION TO STRIKE**

(ECF No. 79)

21 Presently before the Court is Defendants San Diego County Probation
22 Department ("SDCPD") and Ian St. John's ("St. John," and, collectively, "Defendants")
23 Motion to Dismiss Plaintiff's Third Amended Complaint ("MTD") and Motion to
24 Strike ("MTS"). (ECF No. 72-1.) Also before the Court is Magistrate Judge Skomal's
25 Report and Recommendation ("R&R") advising that the Court grant Defendants' MTD,
26 and grant in part and deny in part Defendants' MTS. (ECF No. 79.)

27 Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a
28 district court's duties in connection with a magistrate judge's R&R. The district court

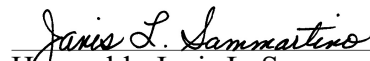
1 must “make a de novo determination of those portions of the report to which objection
 2 is made,” and “may accept, reject, or modify, in whole or in part, the findings or
 3 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); *see also*
 4 *United States v. Raddatz*, 447 U.S. 667, 673–76 (1980); *United States v. Remsing*, 874
 5 F.2d 614, 617 (9th Cir. 1989). However, in the absence of timely objection, the Court
 6 “need only satisfy itself that there is no clear error on the face of the record in order to
 7 accept the recommendation.” Fed. R. Civ. P. 72 advisory committee’s note (citing
 8 *Campbell v. U.S. Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974)).

9 Here, the parties have failed to timely file objections to Magistrate Judge
 10 Skomal’s R&R. Having reviewed the R&R, the Court finds that it is thorough, well
 11 reasoned, and contains no clear error. Accordingly, the Court hereby: (1) **ADOPTS**
 12 Magistrate Judge Skomal’s R&R in its entirety, (2) **GRANTS** Defendants’ MTD, and
 13 (3) **GRANTS IN PART AND DENIES IN PART** Defendants’ MTS.

14 Plaintiff Steven Voiles’ (“Plaintiff”) second cause of action for violation of the
 15 Unruh Civil Rights Act against SDCPD and St. John is **DISMISSED WITH**
 16 **PREJUDICE**.

17 **IT IS SO ORDERED.**

18 DATED: October 9, 2014

19 
 20 Honorable Janis L. Sammartino
 21 United States District Judge
 22
 23
 24
 25
 26
 27
 28